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United States Patent and Trademark Office  
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MARSHALL, GERSTEIN & BORUN LLP  
233 S. WACKER DRIVE, SUITE 6300  
SEARS TOWER  
CHICAGO IL 60606

In re Application of	:	
PATEL, et al.	:	
PCT No.: PCT/GB04/05392	:	DECISION ON PETITION
Application No.: 10/583,677	:	
Int. Filing Date: 20 December 2004	:	UNDER 37 CFR 1.47(a)
Priority Date: 19 December 2003	:	
Atty. Docket No.: 29610/CDT499	:	
For: OPTICAL DEVICE COMPRISING A CHANGE	:	
TRANSPORT LAYER OF INSOLUBLE	:	
ORGANIC...FOR THE PRODUCTION THEREOF:	:	

This decision is in response to applicant's petition under 37 C.F.R. § 1.47 filed 15 October 2008 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 20 December 2004, applicant filed international application PCT/GB04/05392 which claimed priority to an earlier application filed 19 December 2003. A copy of the international application was communicated from the International Bureau (IB) to the United States on 30 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 June 2006.

On 19 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet and a preliminary amendment.

On 02 September 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 October 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of inventor Mark Leadbeater.



### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

### CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is GRANTED.

The application has an international filing date of 20 December 2004 under 35 U.S.C. 363, and will be given a date of **15 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459





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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Mr. Mark Leadbeater  
Rookery Farm  
Depden, IP29 4BU  
UNITED KINGDOM

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PATEL, et al.  
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Int. Filing Date: 20 December 2004  
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Atty. Docket No.: 29610/CDT499  
For: OPTICAL DEVICE COMPRISING A CHANGE  
TRANSPORT LAYER OF INSOLUBLE  
ORGANIC...FOR THE PRODUCTION THEREOF

Dear Mr. Leadbeater:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459

Andrew M. Lawrence  
Marshall, Gerstein & Borun, LLP  
233 S. Wacker Drive, Suite 6300  
Chicago, Illinois 60606-6357  
United States of America